

**LITE DEPALMA GREENBERG, LLC**

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*Attorneys for Plaintiffs  
Teva Neuroscience, Inc.,  
Teva Pharmaceuticals USA, Inc. and  
Teva Pharmaceutical Industries Ltd.*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

TEVA NEUROSCIENCE, INC., TEVA	:	
PHARMACEUTICALS USA, INC., and TEVA	:	
PHARMACEUTICAL INDUSTRIES LTD.,	:	Civil Action No.: 10-5078(FSH)(PS)
	:	
<i>Plaintiffs,</i>	:	
	:	
v.	:	
	:	
WATSON PHARMA, INC., WATSON	:	Motion Date: May 16, 2011
LABORATORIES, INC., WATSON	:	
PHARMACEUTICALS, INC., WATSON	:	
PHARMA PRIVATE LTD. - UNIT IV,	:	
MYLAN PHARMACEUTICALS INC.,	:	
MYLAN INC., ORCHID CHEMICALS &	:	
PHARMACEUTICALS LTD., ORCHID	:	
HEALTHCARE (a division	:	
of Orchid Chemicals & Pharmaceuticals Ltd.),	:	
and ORGENUS PHARMA INC.	:	
	:	
<i>Defendants.</i>	:	

**NOTICE OF MOTION TO DISMISS/STRIKE WATSON AND ORCHID'S AMENDED  
COUNTERCLAIMS AND AFFIRMATIVE DEFENSES ALLEGING INEQUITABLE  
CONDUCT AND ORCHID'S ATTEMPTED MONOPOLIZATION COUNTERCLAIM**

TO: ALL COUNSEL IN THE CAPTIONED MATTER

**PLEASE TAKE NOTICE** that on May 16, 2011 at 10:00 am, or as soon thereafter as counsel may be heard, Plaintiffs Teva Neuroscience, Inc., Teva Pharmaceuticals USA, Inc., and Teva Pharmaceutical Industries Ltd. (collectively, “Teva”) will move before this Court, at the Martin Luther King, Jr. Federal Building & U.S. Courthouse, 50 Walnut Street, Courtroom 5D, Newark, NJ 07101, for an order dismissing Watson Laboratories, Inc. (“Watson”) and Orchid Chemicals & Pharmaceuticals Ltd., Orchid Healthcare (a division of Orchid Chemicals & Pharmaceuticals Ltd) and Orgenus Pharma Inc.’s (collectively “Orchid”) Amended Counterclaims and striking Watson and Orchid’s Affirmative Defenses for failure to adequately plead inequitable conduct, pursuant to Fed. R. Civ. P. 12(b)(6) and 12(f), and dismissing Orchid’s attempted monopolization Counterclaim for failure to adequately plead the existence of an exception to Teva’s *Noerr-Pennington* Immunity.

**PLEASE TAKE FURTHER NOTICE** that in support of this motion, Teva will rely upon the accompanying Memorandum of Law in Support of Motion to Dismiss/Strike Watson and Orchid’s Amended Counterclaims and Affirmative Defenses Alleging Inequitable Conduct and Orchid’s Attempted Monopolization Counterclaim and the Declaration of Kelley E. Walsh, dated April 15, 2011. A proposed form of Order is also submitted herewith.

Respectfully submitted,

Dated: April 20, 2011

By: /s/ Michael E. Patunas  
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*USA, Inc. and Teva Pharmaceutical Industries Ltd.*

Certificate of Service

I certify that on April 20, 2011, I caused true copies of the foregoing Plaintiffs' Notice of Motion to Dismiss/Strike Watson and Orchid's Amended Counterclaims and Affirmative Defenses Alleging Inequitable Conduct and Orchid's Attempted Monopolization Counterclaim to be served upon the following counsel of record in this action by ECF and Electronic Mail:

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/s/ Michael E. Patunas  
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